

2005-2006
COLUSA COUNTY GRAND JURY
FINAL REPORT

May 17, 2006

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COLUSA COUNTY GRAND JURY 2005-2006

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Colusa County Auditor-Controller

2005-2006 Grand Jury Review

Reason for Investigation:

Information from several County department heads indicated dissatisfaction and frustration in dealing with the Auditor's office.

Procedures Followed:

The Grand Jury personally interviewed a Superior Court Judge, the District Attorney, County Counsel, Director of Child and Family Services, the County Auditor/Controller, Sheriff and all five members of the County Board of Supervisors. In addition, members of the Grand Jury expended substantial effort in researching various portions of the County's financial records.

Findings:

1. Over the past three years the lack of an accurate and timely annual budget process has adversely effected how the County as a whole has functioned, which includes all County Departments and many special districts.
2. The County has not had a concise, readable, understandable and publicly published budget since 2002. This is in conflict with past practice and legal requirements.
3. Because of increasing charges from the Auditor-Controller's office in 2003, primarily for check writing expenses under A87, the Head of the Department of Child and Family Services determined that her department could write its own checks more cost effectively, using existing software. These checks would be for funds paid to families for family support. The Auditor/Controller consistently refused to pass on the information necessary for CFS to write these checks. In 2003, the Auditor/ Controller's office charged the CSF Department approximately \$175,000 to write 9,000 checks. The CSF Department Head determined that her department could do it for less than half that amount, thereby saving her department and the County thousands of dollars and allowing her to use the remaining funds to retain staff. The Department of Child and Family Services attempted to implement this plan for two years but was prevented from doing so by the lack of cooperation and follow-up by the Auditor-Controller.

Since the department head could not implement these savings the department eventually lost two employees.

4. The administration and allocation of indirect overhead costs (referred to as A87 costs) to various departmental budgets was described by some witnesses as unfair, illogical, and unduly detrimental to their respective department's ability to function efficiently and sometimes resulted in a loss of services or personnel.
5. The Sheriff and District Attorney disagreed with the allocation of shared revenue of Prop. 172 funds for the past two years with no resolution or due diligence to the issue by the Auditor-Controller's Office.
6. Superior Court funds for courtroom construction, in the amount of \$479,020.79, were removed from the Superior Court fund by the Auditor-Controller in June 2004 without the required approval of the Superior Court or the Board of Supervisors. In January 2005, the Auditor-Controller was instructed in a meeting with the Superior Court Judge and two members of the Board of Supervisors, to immediately return the monies to that fund. As of April 25, 2006, the Auditor-Controller had not transferred back the funds.
7. The annual Independent Audit Report of County finances requires the Auditor-Controller to respond with a Management Action Plan to complete the process and set forth a plan of correction for deficiencies. In the past three years many of the recommendations of the independent auditor have not been implemented and these plans have not been completed by the Auditor-Controller.
8. Annually, the independent outside auditor is to receive the completed financial statement of the County from the Auditor-Controller by three months after the end of the fiscal year (June 30). As of March 14, 2006, the independent auditor had not received the financial statement for FY 2005 from the Auditor-Controller to allow the 2005 independent audit to begin.
9. County credit cards used by multiple departments and some accounts payable have accrued large penalties and late charges due to the tardy payment of those accounts by the Auditor-Controller's Office. The Board of Supervisors directed the Auditor-Controller to pay these charges promptly on multiple occasions without compliance.
10. The Auditor-Controller has, by her own admission, spent up to 35% of normal business hours out of the office for Risk Management activities. The absences included a 9-day trip to London. Her absence adversely effected

the ability of the Auditor-Controller's office to function adequately, support other departments and respond in a timely manner to requests for information.

11. Members of the Colusa County Board of Supervisors stated they lack the information, knowledge, and the authority to compel the Auditor-Controller to meet the needs of the County government.

Recommendations:

1. The Grand Jury highly recommends that Risk Management be reassigned out of the Auditor-Controller's office.
2. The annual budget process should be completed in a manner as set forth in law by the Office of the Controller of the State of California.
3. Training should be provided for the Board of Supervisors and all Department Heads, to include the Auditor-Controller, on the correct application of A87 charges and Prop. 172 funds to be taught by a knowledgeable, independent consultant. A panel should be formed, including representatives of the Board of Supervisors and several Department Heads, to monitor any subsequent issues about A87 or Prop. 172.
4. The Grand Jury recommends that the Management Action Plan reports to the independent auditor, for the previous three years, be completed by the Auditor-Controller by the middle of the next fiscal year, December 30, 2006. Copies of these reports should be supplied to the Board of Supervisors and the 2006-2007 Grand Jury.
5. In the future, the financial statement to be provided to the independent auditor is to be completed by the Auditor-Controller within three months of the end of the fiscal year (June 30).
6. The Board of Supervisors should hire a different independent auditor at least every three years.
7. The County should hire a County Administrative Officer (CAO) to coordinate the budget process and maintain oversight of daily department functions, especially those of the Auditor-Controller's office.
8. Since the 2005-2006 Grand Jury did not have sufficient time to complete all staff interviews of the Auditor-Controller's office, the Grand Jury recommends that the 2006-2007 Grand Jury complete this process.

9. Since lack of an up-to-date computer system and programs was the Auditor-Controller's stated reason for the consistent lack of a timely and complete annual budget, the Grand Jury recommends that the 2006-2007 Grand Jury follow up on the implementation and use of the Auditor-Controller office's new computer system and programs to be installed in July 2006.
10. The Board of Supervisors should maintain a regular follow-up on all commitments of the Auditor-Controller on a regular basis.

Summation:

The situation as described above has, in one degree or another, existed for many years. It has evolved into a complicated set of facts and circumstances which are incompatible and unworkable. The Board of Supervisors, which is responsible for the efficient conduct of County government, should have recognized and addressed this circumstance long ago, and will be remiss in not taking remedial action at once.

Response:

Colusa County Auditor-Controller
Colusa County Board of Supervisors

Colusa City Government

2005-2006 Grand Jury Review

Reason for Investigation:

Multiple written complaints were received by the Grand Jury regarding failure of the Colusa City Council to keep the public informed of city business. Allegations were made of Brown Act violations. The Brown Act allegations were eventually referred to the State Fair Political Practices Commission by the citizens making the initial complaints.

Procedure:

The Grand Jury interviewed three of the five members of the Colusa City Council and the Colusa City Manager.

Findings:

1. The City Manager is not made accountable to the City Council and appears to make many of the decisions and also appears to have undue influence over the City Council.
2. The City Attorney does not seem to be prepared for City Council meetings.
3. City Council members are not sufficiently prepared for City Council meetings, and the City Manager does not bring supporting documents with her to assist them.
4. No printed annual budget available for the public to review.

Recommendations:

1. The Colusa City Council meeting Agenda and Minutes of the previous meeting should be posted for public examination on the Thursday prior to the Tuesday City Council meeting.
2. The City Attorney should be better prepared and better informed on the legal issues to be discussed prior to the City Council meeting.
3. All citizen complaints should be logged, prioritized, and the action taken documented each month. The complaint log should be available to the City Council members and the public.

4. Citizens of the City of Colusa should be encouraged to participate in their government by attending city council meetings and discussing their concerns with the city council members.
5. Term limits of eight to twelve years should be considered for all elected city officials to encourage fresh ideas and citizen participation.
6. The Colusa City Manager should come prepared with all supporting documentation for all agenda items.
7. The annual city budget should be available in printed form for citizen examination.
8. The City should actively research and apply for all Federal, State and private grants appropriate for City needs.
9. The 2006-2007 Grand Jury should investigate the process of awarding the construction contract for the sewer renovation project.
10. The 2006-2007 Grand Jury should continue to monitor the Fair Political Practices inquiry regarding the Colusa City Council.
11. Colusa city officials should make a greater effort to communicate with the public.

Response:

Colusa City Manager
Colusa City Council
Colusa City Attorney

Colusa County Government

2005-2006 Grand Jury Review

Purpose of Investigation:

The Grand Jury was concerned about the conduct of County business and the lack of information available to the public.

Findings:

1. The County Supervisors are unaware of activities in the County departments.
2. County Elected Officials have no external supervision and are not subject to external control or sanctions for inadequate or non-performance of their duties.

Recommendations:

1. The County should have a printed and bound budget document by September 30 each year.
2. The Board of Supervisors should return to weekly meetings.
3. County officials should make a greater effort to communicate with the public.
4. The areas of responsibilities of the individual supervisors, e.g., County departments and special districts, etc., should be listed and posted in a public place where citizens could determine who they should contact with specific problems.
5. The Board of Supervisors should maintain active oversight of department expenditures to insure monies are spent as appropriated.
6. The Board of Supervisors should evaluate responsibilities of elected officials that are in addition to those that they were elected to carry out, i.e., Risk Management.
7. The 2006-2007 Grand Jury should assess the function of all elected offices to determine the advisability of making the position appointed rather than elected.

8. The 2006-2007 Grand Jury should monitor the progress of the County toward the completion of the update of the County General Plan and development fees.
9. The Board of Supervisors should examine performance of all elected officials annually.
10. Recommend the 2006-2007 Grand Jury investigate all elected officials to monitor compliance with the needs of the County and use of County funds.
11. Board of Supervisors should retain an experienced grant writer to research and pursue all available Federal, State and private grants that could benefit the County.
12. The County should hire a qualified County Administrative Officer.
13. The Grand Jury recommends the 2006-2007 Grand Jury investigate the impact of bringing additional correctional facilities to the County.
14. Term limits of eight to twelve years should be considered for all elected County officials to encourage fresh ideas and greater citizen participation.

Response:

Colusa County Board of Supervisors

Colusa County Clerk

2005-2006 Grand Jury Review

Reasons for Investigation:

Letter from Office of the County Clerk requesting independent observation of the testing of the County's new voting machines.

Procedure:

On October 17, 2005, representatives of the Grand Jury visited the Office of the County Clerk, and observed the new machines being run through several series of simulations by the equipment vendor, *Election Systems & Software*. During these tests, the paper ballots were fed upside down, backwards, as well as upside-down AND backwards, at random. In all cases, the system correctly recorded the votes, and also caught and properly flagged all intentional test anomalies (deliberate under-votes and over-votes, etc.).

Findings:

After the election, an article in the Yuba City Appeal-Democrat implied there had been "problems" with the system. Upon investigation, it was determined that the ONLY reason Colusa was even mentioned in the subject article was because they had purchased machines from the same vendor. The machines used in Colusa were not the "touch-screen" type, for which some recording errors were reported elsewhere in the State. NO irregularities were found in the Colusa voting results, and the newspaper subsequently issued a retraction.

Recommendations:

None.

Response:

None required.

Criminal Justice

2005-2006 Grand Jury Review

Reasons for Investigation:

In response to no particular citizen complaint(s), but under the Grand Jury's general "watchdog" authority, the overall operations of the following government entities were reviewed:

Law Enforcement:

Sheriff's Office, and *Jail Facilities, Colusa County
Probation Department, Colusa County
Police Department, City of Colusa
Police Department, City of Williams

*Annual inspection of the County Jail is required by statute.

Fire Protection Departments/Districts:

Town of Arbuckle
City of Colusa
Town of Maxwell
Town of Princeton
Sacramento River District, Colusa County, including Grimes
Town of Stonyford
City of Williams

Procedure:

Personal interviews were conducted with the Sheriff and his staff, the Director of the County Probation Department, and the Chiefs of the Colusa and Williams Police Departments, using a uniform set of questions.

A similar uniform survey was sent to the various Fire Department/Districts, enumerated above, for their response. A return rate of 100% was achieved for this survey.

Findings:

1. All of the agencies contacted are hurting financially, to one degree or another. Several reported having "problems" with the County Auditor's office, ranging from disagreements over apportionment of funding, to a loss of efficiency due to late or incomplete budget information.

2. Their physical equipment is, for the most part, in satisfactory condition. The communications equipment particularly, is in many cases, state-of-the-art. The law enforcement structures, however, are inadequate. Both Police Departments are in need of new buildings, and a portion of the jail cannot be used because it does not meet current State law.
3. The law enforcement agencies particularly, are understaffed. Two obvious results of this under-staffing are the distinct possibility of increased crime, and a lessening of the safety of the officers themselves. If a major incident were to occur, areas of the County, and/or Cities and Towns could, even with mutual aid, be left without adequate protection.
4. Much valuable time, not infrequently an entire shift, is lost by officers and/or deputies after an arrest where the services of mental health personnel are required, since mental health personnel must come from far out of the area to perform their duties.
5. An oft-repeated concern was that of losing a new officer shortly after completion of their training, due to the lower than average salary level(s), which prevail in Colusa County. As an example, in the Sheriff's office, this training can consume the better part of a year, and cost up to \$100,000 per new deputy. A related issue is that of being unable to attract candidates achieving the highest scores and/or levels of performance at the various police academies.
6. The integrated central dispatch system, run by the Sheriff's office, seems to be working very well in terms of efficiency, cost effectiveness, and increased safety for the general public, as well as that of the officers themselves. Charges to the other departments are less than it would cost them to perform the work themselves, assuming they had the personnel available, which they do not. The above notwithstanding, the Colusa Police Department did express the desire to have their own private dispatch system. The only notable active exception to use of the integrated service is that the Arbuckle Fire Department has chosen to be dispatched from the City of Woodland.
7. Virtually all agencies contacted utilize mutual aid to one degree or another. The concept is well liked in general, and is vital to success under the current staffing levels. The outstanding service of the volunteer members of the various agencies is worthy of the highest commendation.
8. The three law enforcement agencies have a varied level of contact with the school system, ranging from active commitment (Williams PD), limited contact (Sheriff's Department), to almost no regular contact at all (Colusa

PD). The latter appears to be at least partly due to a lack of enthusiasm for such contact on the part of the school administrators.

9. The lack of a General Plan, and the lack of having dependable PRINTED budget(s) available in a timely manner have hampered long-range planning by the agencies surveyed.

Recommendations:

1. Both of the City Police Departments and the Sheriff's Office should aggressively pursue grants to fund more officers.
2. The shared and integrated central dispatch service, run by the Sheriff's Office, seems to be working very well, and we strongly recommend that the practice be continued since the cost of multiple services would be prohibitive. We further suggest the Arbuckle Fire Department reconsider their choice to not participate.
3. Response time for the arrival of a mental health staff person, following an arrest with that need, should be mandated at one (1) hour maximum, 24 hours a day, 7 days a week, so that the arresting officer may return to duty.
4. Law enforcement and fire agencies should work closely with the framers of the City and County General Plans to ensure that funding and coverage of these services are adequate.
5. The County Board of Supervisors and City Councils should work in conjunction with the Probation Department to assure that qualified resource officers are active at all schools.
6. Explore the legality of setting a mandated minimum length of service, perhaps two (2) years, for new Police and Sheriff's trainees, so as to ensure that the local citizens receive some benefit from the very significant costs expended in training said officers.
7. All departments should aggressively pursue funding, including a bond issue if required, for updating and repairing or replacing building facilities prior to their failure, and the incurring of major emergency expenses.
8. The Board of Supervisors should make a concerted effort to update the General Plan, and also to mandate developer fees at levels which will mitigate the impact of any increase in population on law enforcement and fire services.

9. The Board of Supervisors should use their authority to assure that the annual budget is produced on time, and managed in accordance with State law, and that both reliable information and consistent funding be provided to the various County departments, in a timely manner.
10. The various law enforcement agencies, in conjunction with the Board of Supervisors and City Councils, should examine scheduled officer coverage, countywide, and aggressively pursue the goal of increasing the ratio of officers to civilians. Funding should be tied to maintaining a stipulated level of staffing, not to fall below two (2) officers per 1000 population.
11. All fire chiefs should attend the quarterly Chiefs' meetings. If for some reason the Chief cannot attend personally, a qualified Deputy should be required to attend on behalf of the Chief so that the department does not go un-represented, and thus be "out of the loop."
12. The advisability and practicality of ongoing County support for, and use of, the juvenile facility at Fouts Springs should be reviewed in depth by the 2006-2007 Grand Jury, since there may be pitfalls relating to abandonment of that facility.

Response:

Law Enforcement:

Sheriff's Office, and Jail Facilities, Colusa County
Probation Department, Colusa County
Police Department, City of Colusa
Police Department, City of Williams

Fire Protection Departments/Districts:

Town of Arbuckle
City of Colusa
Town of Maxwell
Town of Princeton
Sacramento River District, Colusa County
Town of Stonyford
City of Williams

School Districts

2005-2006 Grand Jury Committee Review

Reasons for Investigation:

The inquiry centered on discipline at the various high schools in the County. Several members of the Grand Jury related anecdotal evidence of unseemly and inappropriate attitudes and, in some cases, illegal actions by students and occasionally by school staff. Often, these incidents were followed by little or no apparent effort, by responsible staff persons, to rectify the situation.

Procedures:

During the inquiry, the Grand Jury interviewed the County Superintendent of Schools, the District Superintendent of Colusa Unified School District, all five members of the Colusa District Board of Trustees, the District Attorney, and the Colusa and Williams Chiefs of Police and relevant County Sheriff personnel.

During and following these interviews, the Grand Jury discussed inter-district transfers, open and closed campuses, appropriate and lack of supervision of students and staff, drug or alcohol use by students on or adjacent to school grounds, law enforcement persons presence on campus, use of "drug sniffer dogs" as an enforcement tool, and police and school communication and cooperation.

As the investigation proceeded, it became apparent that time constraints would not allow "in-depth" inquiry into all of the school districts in the County. Initially, the focus was on Colusa, but in speaking with law enforcement personnel concerned with the schools in Arbuckle, Williams, and Maxwell, the Grand Jury obtained substantial insight into the existence of any troublesome situations in those districts.

Note: The Princeton Unified School District is not included in this report since it is under the jurisdiction of Glenn County.

Observations and Findings:

All school and law enforcement people were very courteous, cooperative and candid in furnishing information that was in the realm of their activity and experience. Most, if not all, agreed that better communication between school administrators and law enforcement would improve cooperative and effective enforcement of the school rules and the law.

With little or no disagreement, school administrators and members of law enforcement, concur that the current situation is not completely acceptable, and all parties should expend serious effort to improve it.

Recommendations:

1. The schools and the police should consult together for the purpose of formulating a plan and procedure for the enforcement of the law, in the case of misdemeanor or felony breeches of the peace or other criminal behavior. Areas of responsibility for enforcement should be defined.
2. Schools and police should forego any competitive ideas of jurisdiction and make every reasonable effort to cooperate to the end that they reach a result in each instance that is fair and just to the school, the persons involved, and the community as a whole.
3. Law enforcement and the schools should make a substantial effort to advise parents of their opportunity to participate in school matters and of their responsibility as parents of their children while in school. "In-House" remedies should not take the place of reports to, and investigations by law enforcement agencies on criminal activity when such becomes known by school personnel.

Response:

District Superintendents for:

Williams High School
Pierce High School
Maxwell High School
Colusa High School

Law Enforcement:

Sheriff's Office, and Jail Facilities, Colusa County
Probation Department, Colusa County
City of Colusa Police Department
City of Williams Police Department